



CONSERVATION COMMISSION MEETING MINUTES – September 12, 2016

Present: Scott McIsaac- Chair, Adrienne DuBois, Paul Hall, Bob Hidell, Laurie Freeman, Loni Fournier- Conservation Officer

Absent: Bob Mosher, John Morrissey

The meeting was called to order at 7:04 PM.

Presentation by Aquarion Water Company

Stephen Olson, the new Director of Operations for Massachusetts, introduced himself and presented information to the Commission on the current drought, including an update on the water supply and the current water restrictions. The Commission asked questions about the water supply infrastructure, the short-term status of the water supply related to public safety, the Company's long-term plans for water supply, the enforcement of the water restrictions, and the results of the water restriction efforts. The Commission also encouraged Mr. Olson to post the raw water supply and water demand data on the Company's website.

Approval of Minutes

Motion: Commissioner Hidell motioned to approve the minutes from the August 29, 2016 Commission meeting.

Second: Commissioner Hall

In Favor: All

Opposed: None

Certificates of Compliance

231 Otis Street – DEP 034-0294

An Order of Conditions was issued in September 2007 to raise the rear yard approximately one foot over 6,300 square feet of area in a coastal flood zone. Staff visited the site on 8/30/16. The as-built plan differs slightly from the final approved plan; the slope of the rear yard is more gradual than steep, which will not have an impact on the resource area. There is also an easement/right of way on the property that provides public access to Walton's Cove. Condition 39 of the Order states, "No structures or landscape elements will be placed on the Right of Way that would inhibit free passage over the way. This condition shall apply in perpetuity and shall not expire with the issuance of a Certificate of Compliance." A fence, with a gate, is currently separating the driveway from the rear yard, and Walton's Cove, within the right of way. The applicant was asked about this fence and they indicated that it was installed prior to the Order, and that the gate is always unlocked. The fence is not visible in a 2005 aerial photo of the property, however it is visible in a 2008 aerial photo of the property. A review of the project file yielded a complaint from 2008 indicating that the right of way had "recently been blocked off by the addition of fencing and a gate."

Commissioner DuBois asked how many people in the neighborhood had the right to use the easement. The Conservation Officer stated that she felt it was a public easement and that more than just the people who lived in the neighborhood could use it to access the water. Commissioner DuBois asked if there was a public boat landing associated with the easement. The Conservation Officer stated that there was not.

The Commission discussed whether the addition of a "public way" or "public access" sign to the gate and/or the property would resolve the issue. The Commission also discussed whether removing the gate from the fence would resolve the issue.

The Commission asked the Conservation Officer to send a letter to the applicant requesting that the gate be removed and stating that upon removal of the gate, the Certificate of Compliance will be issued.

Motion: Commissioner Freeman motioned to continue the Certificate of Compliance hearing for 231 Otis Street, DEP 034-0294 to September 26, 2016.

Second: Commissioner Hall

In Favor: All

Opposed: None

8 Seal Cove Road – DEP 034-1183

An Order of Conditions was issued in January 2014 for the construction of a single family house with associated utilities and landscaping. Staff visited the site on 8/30/16. The as-built plans generally adhere to the final approved plans. The only minor deviations include: the footprint of the house is slightly farther away from the resource area and there is only one retaining wall, not two, supporting the patio. These deviations decrease the amount of impervious surface in the 100 foot buffer zone and generally benefit the resource area. The landscaping was completed according to the plan and the plants are thriving.

Motion: Commissioner Freeman motioned to issue a Certificate of Compliance for 8 Seal Cove Road, DEP 034-1183.

Second: Commissioner Hidell

In Favor: All

Opposed: None

Extension of Order of Conditions

141 Derby Street – DEP 034-1147

Applicant: Ryan Bristol

The Order of Conditions for 141 Derby Street was issued on October 16, 2013 for the construction of an auto dealership with associated parking and drainage improvements, as well as the creation of wetland replication areas.

While work on the site is nearly complete, the applicant is currently considering additional improvements to the site. The three year extension will allow the applicant to fully vet these improvements before the Order of Conditions expires. The applicant has acknowledged that these improvements may warrant a request for an Amended Order of Conditions or a new Notice of Intent filing.

Motion: Commissioner Hidell motioned to issue a three-year Extension Permit for the Order of Conditions issued to 141 Derby Street (DEP 034-1147).

Second: Commissioner Hall

In Favor: All

Opposed: None

Other Business

The Conservation Officer summarized a request made by Richard Long, 79 Free Street, to clear the snags from the Weir River between Free Street and Union Street, while the riverbed was dry, in an attempt to prevent more significant flooding in his neighborhood in the future. The Conservation Officer also referred to MassDEP's guidance, which stated that the project must fit within the limited provisions of 310 CMR 10.53(3)(k) or it would not meet the state's riverfront performance standards.

Mr. Long described the history of flooding on his property and the prior maintenance activities that were conducted in the river to prevent more significant flooding.

Commissioner Hidell asked how much of the riverbanks would be cleared as part of this effort. Mr. Long stated that historically, anything that was hanging over the riverbed was cut back, however the riverbanks themselves were not disturbed.

Commissioner Freeman asked Mr. Long if he noticed branches and debris clogging the culverts in the past. Mr. Long stated that the culvert at Free Street was three, five foot tall pipes, which clogged more easily than the Union Street culvert, which was one large oval-shaped pipe.

Commissioner Freeman asked Mr. Long to describe the worst flooding on his property. Mr. Long stated that the months of March and November were the highest risk for flooding. He further stated that his house does not flood, but he has a sump pump to help manage the seepage.

Chief Robert Olsson, Hingham Fire Department and Director of Emergency Management, stated that two years ago he and another fireman noticed that the high water mark in the backyards of the Free Street homes was abnormally high. He further stated that, at that time, the Free Street culvert was clear. Chief Olsson and the other fireman suspected that there was a blockage in the riverbed between Free Street and Union Street, which caused the river to backup into the Free Street neighborhood where Mr. Long lives. Chief Olsson stated that he supported Mr. Long's request.

Samantha Woods, Weir River Watershed Association, stated that the flooding may also be caused by stronger storms and climate change, or increased impervious area in the watershed, and not necessarily just a blockage. Ms. Woods also stated that the woody debris in rivers, including the overhanging branches, has ecological value. Ms. Woods suggested that guidelines be researched or developed for the project in order to keep the nature of the river intact.

Commissioner Hidell discussed sedimentation and how removing debris from the Weir River would promote greater flows, which would help with scouring (removing excess sediment from the riverbed) and increasing groundwater recharge.

Patti Coyle, Weir River Estuary Park Committee, reported that the former Chair, Faith Burbank, recalled that the river had been cleared in the past, but it had not been done lately.

Commissioner Hidell suggested photo-documenting the river before and after it was cleared.

Commissioner Freeman asked Ms. Woods if she had any recommendations for conditions that should be in place for this project. Ms. Woods recommended materials published by Russ Cohen, formerly Division of Ecological Restoration, and speaking to Brad Chase, Division of Marine Fisheries.

Motion: Commissioner Hidell motioned to approve the proposed maintenance activities for the Weir River between Free Street and Union Street, with guidance provided to the DPW by the Conservation Officer in order to preserve the ecological integrity of the river to the greatest extent possible.

Second: Commissioner Hall

In Favor: All

Opposed: None

The meeting adjourned at 8:55 PM.

Submitted,

Loni Fournier, Conservation Officer

Approved on September 26, 2016.